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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,884	02/11/2004	Jack J. Reilly	IR3709 NP	3393

31684 7590 12/27/2006
ARKEMA INC.
PATENT DEPARTMENT - 26TH FLOOR
2000 MARKET STREET
PHILADELPHIA, PA 19103-3222

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

MAIL DATE	DELIVERY MODE
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12/27/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/776,884

Applicant(s)

REILLY ET AL.

Examiner

Lawrence D. Ferguson

Art Unit

1774

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues Oshima does not describe a light transmitting edge, but rather a light transmitting face. Oshima teaches the color tone or colors vary with the angle of observation (column 1, lines 35-60) which examiner interprets as being varied along its surface and/or edge, depending on the angle of observation the viewer chooses. Looking at Figures 1 and 2, if the sheets are turned vertically, one of ordinary skill could see a color change by looking through edge of the sheet at a diagonal angle. Applicant further argues the Oshima reference fails to teach or suggest an edge exposing at least one light transmitting layer, when viewed along the edge, and appears different in principal color. Examiner respectfully disagrees with this argument because Oshima discloses a decorative sheet with color tone or colors varying with the angle of observation, where the sheet has a transparent sheet (1) with parallel striped patterns on its front and rear surfaces and a printed opaque sheet (7) with parallel striped patterns on its front and rear surfaces, that when viewed along an exposed light transmitting edge appears different than its principal color (column 1, lines 34-67; column 7, lines 11-17 and Figures 9 and 11). Applicant argues the Oshima reference is seen only when viewing through the thickness of the sheet body. Although the reference teaches the effect is seen when viewing through the thickness of the sheet body, it does not teach the effect is seen only when viewing through the thickness of the sheet body, as Applicant argues. Applicant argues the Oshima effect cannot be seen unless looking at an angle relatively perpendicular to the sheet and patterns on the front and rear. The angles depicted in Figures 1 and 2 are diagonal angles, which run along the edge of the sheet body. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the claims require observation at an angle relatively perpendicular to an edge of the article) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant argues the effect of Oshima is a tone change and not color change. Oshima discloses a decorative sheet with color tone or colors varying with the angle of observation (column 1, lines 34-37).

Applicant argues Oshima and Lecoeur fail to teach an article comprising two or more layers having a principle color that has a different color when viewed along an edge. Oshima teaches the color tone or colors vary with the angle of observation (column 1, lines 35-60) which examiner interprets as being varied along its surface and/or edge, depending on the angle of observation the viewer chooses. Lecoeur teaches a multilayer structure made of acrylic glass panels, which comprise methyl methacrylate, where the adjacent polymethyl methacrylate areas are differently colored (column 1, lines 8-20 and column 2, lines 20-25). It would have been obvious to one of ordinary skill in the art to have employed the methyl methacrylate glass panels, as taught in Lecoeur, in the colored article of Oshima to provide successive layers with corresponding coloring effects (column 1, lines 28-31).



RENA DYE
SUPERVISORY PATENT EXAMINER

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